

Serial No. 08/787,651

Remarks

Claims 1-41 are pending in the application.

The Office Action states that there are two inventions, the first, group I, includes claims 1-22, 26-28, and 40-41 and is drawn to a method of aligning carbon particles entrained in glass by drawing. The second, group II, includes claims 23-25 and 29-34, is drawn to a fiber containing glass and carbon.

Applicant provisionally elects group I, with traverse.

The Office Action states that the groups are distinct, because the fiber of group II could be formed by injection molding. However, the independent claims of group II have been amended to recite a carbon fiber that has only residual glass that is primarily exterior to the carbon fiber. By contrast, it is believed that injection molding a mixture of glass and carbon, as suggested by the Office Action, would result in a mixed carbon-glass fiber, where the glass is integral within the fiber, not merely exterior thereto. Thus, it is believed that only applicant's claimed method could result in applicant's claimed product. Hence the two groups are not distinct, since the product as now claimed cannot be made by another and materially different process.

Furthermore, since the claims have been simplified so as to only relate only to a carbon fiber, which is made up of carbon particles but which may have some remaining, substantially exterior, glass, there appears to applicant to only remain a single species. It thus appears to applicant that of the 4 species alleged to be present in the claims by the Office Action, the closest one to characterize the claims as amended is species 4, a carbon particle fiber. Thus, applicants elect species 4, which is believed to correspond to all the pending claims as amended.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicant's attorney so that arrangements may be made to discuss and resolve any such issues.

In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to the Lucent Technologies Deposit Account No. 12-2325.

Respectfully,

Dennis S. Greywall

By


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Lucent Technologies Inc.

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